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David B. Cochran, Esq. Jones Day 901 Lakeside Avenue/North Point Cleveland, OH 44114				
EXAMINER				
WONG, BLANCHE				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/747,979

Applicant(s)

HOSSAIN ET AL.

Examiner

Blanche Wong

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 14-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Examiner notes that claim 29 is dependent from cancelled claim 10.

Response to Arguments

2. Applicant's arguments filed June 23, 2008 have been fully considered but they are not persuasive.

Although the amendments include objected subject matter from the previous office action, the amendments raised new 112 rejections. See below. Additionally, the amendments are not what are reflected in the drawings.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "starting a stabilization period" step before the "incrementing said stabilization counter" step (in claim 1), "if said mobile device is in said original zone, incrementing the max return counter ..." (claim 19), "checking" step (claim 19), "canceling the stabilization period" (claim 19), "performing said checking and testing steps" (claim 19), "if said mobile device is in said original zone, incrementing the max return counter ..." (claim 28), "checking" step (claim 28), "canceling the stabilization period" (claim 28), "performing said checking and testing steps" (claim 28) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

With regard to claim 1, Examiner notes that in Fig. 2, step 12 Start Stabilization Period comes after step 32 Increment Stabilization Counter.

With regard to claim 19, Examiner notes "performing said checking and testing steps" is only "performing said checking step" according to Fig. 3

With regard to claim 28, Examiner notes "performing said checking and testing steps" is only "performing said checking step" according to Fig. 4

Claim Objections

4. Claims 1-3,14-17,19,26-29 are objected to because of the following informalities:

With regard to claim 1, Examiner suggests removing "after said incrementing step" because it would have been obvious that the step of "determining" is after the step of "incrementing" by the order of the claim language.

With regard to claim 1, Examiner suggests replacing "if so" in line 7 with "if the stabilization counter equals a the maximum value" for clarity.

With regard to claims 2 and 3, Examiner suggests removing one of the two identical claims.

With regard to claim 14, Examiner suggests replacing "the device" in line 5 with "the mobile device" for clarity.

With regard to claim 14, Examiner suggests replacing "in said original zone" in line 5 with "back in said original zone" as in claim 15, or vice versa.

With regard to claim 15, Examiner suggests adding a comma after "if said countdown timer has expired" in line 8.

With regard to claim 16, Examiner suggests replacing "if yes" in line 5 with "if said mobile device is in said original zone" for clarity.

With regard to claim 17, Examiner suggests adding a comma after "if said countdown timer has expired" in line 6.

With regard to claim 19, Examiner suggests replacing "the device" in line 9 with "the mobile device".

With regard to claim 19, Examiner suggests replacing "after a different zone is entered" in line 9 with "after a different zone is detected".

With regard to claim 26, Examiner suggests adding a comma after "if said countdown timer has expired" in line 5.

With regard to claim 27, Examiner suggests replacing "if so" in line 5 with "if said mobile device is in said original zone" for clarity.

With regard to claim 28, Examiner suggests replacing "the device" in line 9 with "the mobile device".

With regard to claim 28, Examiner suggests replacing "after a different zone is entered" in line 9 with "after a different zone is detected".

With regard to claim 29, Examiner suggests replacing "if yes" in line 5 with "if said mobile device is in said original zone" for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-7 and 14-35** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, it is unclear whether the stabilization period in line 5 is part of the stabilization counter in line 3.

With regard to claim 1, it is unclear if the stabilization period starts when the mobile device enters a new zone in line 5, then the stabilization counter increments also when the mobile device enters a new zone and after the step of "starting".

With regard to claim 1, it is unclear what is meant by "canceling said stabilization period" in lines 7-8.

With regard to claim 1, it is unclear with what is "a reconnection" in line 8.

With regard to claim 1, it is unclear whether "a different zone" in lines 9 and 13 is the same as "a new zone" in lines 5 and 14. If they are not the same, then what is the difference.

With regard to claim 1, it is unclear whether the step of "checking" in line 9 is a step that follows the step of "incrementing" in line 6 or within the step of "starting" in line 5. That is, it is unclear what is meant by during the "stabilization period" in lines 9-10.

With regard to claim 1, it is unclear whether the steps of incrementing, determining and checking are performed as three separate steps or two steps because the step of checking is incorporated in the step of "starting" in line 5, and lines 9-10 reads "checking ... during the stabilization period".

With regard to claim 1, it is unclear what is meant by lines 13-16 because it is grammatically confusing: "if ... determining, reconnecting ... if ..., and otherwise terminating ... if ...". That is, it is unclear whether the step of "reconnecting" is an independent step along with the steps of initializing, monitoring, starting, incrementing, checking.

With regard to claim 14, it is unclear whether the step of "testing" comes after the step of "initializing" because the step of "initializing" comes "after said monitoring step" in line 3.

With regard to claim 15, it is unclear what is the difference between initializing and starting in line 3.

With regard to claim 15, it is unclear whether the step of "testing" comes after the step of "initializing and starting" because the step of "initializing and starting" comes "after said monitoring step" in line 3.

With regard to claim 16, it is unclear with what is "a reconnection" in line 5.

With regard to claim 17, it is unclear what is the difference between initializing and starting in line 3.

With regard to claim 18, it is unclear with what is "a reconnection" in line 5.

With regard to claim 19, it is unclear whether "a new zone" in line 3 is the same as "a different zone" in line 6, or whether the different zone is different from the new zone.

With regard to claim 19, it is unclear whether the step of "starting" is after "initializing" because the limitation recites "when the mobile device enters a new zone", and if the step of "starting" is after "initializing", it is unclear what is the difference between "after said monitoring step finds the mobile device has entered a new zone" in line 4 and "when the mobile device enters a new zone" in line 6.

With regard to claim 19, it is unclear what is the difference between the steps of "checking" and "testing".

With regard to claim 26, it is unclear what is the difference between initializing and starting in line 2.

With regard to claim 27, it is unclear with what is "a reconnection" in line 5.

With regard to claim 28, it is unclear what is the difference between this claim and claim 19. Otherwise, all 112 rejections that apply to claim 19, also apply to claim 28.

With regard to claim 28, it is unclear what is the difference between initializing and starting in line 4.

With regard to claim 28, it is unclear whether the step of "starting" is after "initializing" because the limitation recites "when the mobile device enters a new zone", and if the step of "starting" is after "initializing", it is unclear what is the difference

between "after said monitoring step finds the mobile device has entered a new zone" in line 4 and "when the mobile device enters a new zone" in line 6.

With regard to claim 28, it is unclear what is the difference between the steps of "checking" and "testing".

With regard to claim 29, it is unclear with what is "a reconnection" in line 5.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Blanche Wong/
Examiner, Art Unit 2419
October 17, 2008

**/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2419**